



Jennifer B. Zourigui

May 6, 2022

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Hon. Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2204
New York, New York 10007

Re: C.K. LEE, on behalf of himself and others similarly situated, v. UDR Inc., et al.
Case No.: 1:22-cv-00505

Dear Judge Gardephe:

This firm is counsel to defendants UDR, Inc., Columbus Square 808 LLC, Columbus Square 795 LLC, Columbus Square 775 LLC, Columbus Square 801 LLC, and Columbus Square 805 LLC (collectively, "Defendants") in the above-referenced action. We write to you in connection with Your Honor's initial preconference order and the required case management plan. In light of Plaintiff's stated intention in the April 18, 2022 letter to Your Honor of amending the complaint to add a new plaintiff and dismiss the claims of Plaintiff C.K. Lee, we respectfully request that the submission of a case management plan await the filing of Plaintiff's anticipated amended complaint. We also request that Your Honor set a date by which an amended complaint must be filed. We would propose that Plaintiff files any amended complaint by May 31 and that Defendants answer or, as we anticipate, move to dismiss the amended complaint within 30 days thereafter.

Plaintiff has consented to the proposed deadlines for the amended complaint and motion to dismiss. Thus far, however, the parties have been unable to reach an agreement regarding our proposal to request that the proposed case management plan be submitted *after* the amended pleading. Plaintiff indicated that he will be filing a proposed case management plan ("CMP") with the joint letter the parties will be filing next week, strictly on his own behalf, and that the Court can then decide whether deferring the CMP to some later date is warranted, as Defendants contend.

On April 14, 2022, Defendants filed a pre-motion conference letter (ECF Dkt. No. 21) requesting permission to move to dismiss the complaint of Plaintiff C.K. Lee ("Plaintiff"). In addition to describing the grounds of their anticipated motion, Defendants asserted that due to an inherent conflict of interest, Plaintiff should be disqualified as class representative and the class allegations dismissed, or alternatively, Plaintiff's law firm should be disqualified as class counsel. (ECF Dkt. No. 21, p. 5.) Defendants alleged disqualification was necessary because Plaintiff is an attorney and member of the Lee Litigation Group, which is the law firm that is serving as class counsel in this class action. (*Id.*)

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On April 18, 2022, Plaintiff's counsel filed a response letter in which he stated that "another individual has stepped forth with similar claims against Defendants, and Plaintiff proposes that she replace him as the named Plaintiff in this Class action." (ECF Dkt. No. 23, p. 4.) Plaintiff's counsel further stated "[t]o this end, Plaintiff proposes to file an Amended Complaint that includes her claims and then to dismiss his own, after which Defendants can move to dismiss the new plaintiff's claims." (*Id.*)

On May 5, 2022, I indicated in an email to Plaintiff's counsel that we intended to request that Your Honor permit us to file a CMP *after* an amended complaint is filed in light of Plaintiff's stated intention to add a new plaintiff's claims and dismiss his own claims. Plaintiff, C. K. Lee, included on the email chain by his attorney, responded that he did not intend to dismiss his claims. His attorney then stated - for the first time - that Plaintiff would be replaced by another individual as class representative, but Plaintiff and his individual claims would remain in the instant class action.

In view of Plaintiff's intention to file an amended complaint and add a new plaintiff and dismiss what appears now to be some portion of his claims, Defendants' believe that it would be premature for the parties to have a meaningful discussion about the scope and timing of discovery and enter into a CMP at this time. We believe that the parties can more accurately propose a schedule to Your Honor once we have had an opportunity to review and assess this new pleading. Accordingly, Defendants respectfully request that Your Honor require that Plaintiff file any amended Complaint by May 31, 2022 (on consent) and that the deadline to file a proposed CMP abide the filing of this new pleading. We also request that Defendants be permitted to answer or file their anticipated motion to dismiss as described in our April 14 letter - which we expect will be equally applicable to the amended pleading - within 30 days after such amended complaint is filed (also on consent).

Memo Endorsed: Plaintiff will file an Amended Complaint by **May 31, 2022**. Defendants will answer or otherwise respond to the Amended Complaint by **June 30, 2022**.


Respectfully submitted,

Jennifer B. Zourigui

The initial pre-trial conference currently scheduled for May 19, 2022 is adjourned to **July 7, 2022 at 10:30 a.m.** in Courtroom 705 of the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, New York. The parties will submit their revised joint letter and proposed case management plan by **July 1, 2022**.

The Clerk of Court is directed to terminate as moot the letter motions at Dkt. Nos. 21 and 26.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: *May 13, 2022*